

1 JOSEPH P. RUSSONIELLO (CASBN 44332)  
United States Attorney

2 BRIAN J. STRETCH (CASBN 163973)  
3 Chief, Criminal Division

4 DAVID R. CALLAWAY (CASBN 121782)  
5 Assistant United States Attorney

6 150 Almaden Boulevard, Suite 900  
7 San Jose, California 95113  
Telephone: (408) 535-5596  
Facsimile: (408) 535-5066  
E-mail: David.Callaway@usdoj.gov

8 Attorneys for Plaintiff

9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA, )  
13 Plaintiff, )  
14 v. )  
15 DIANA RIOS, )  
16 Defendant. )  
17 \_\_\_\_\_ )

No. CR 09-00615 JW  
STIPULATION AND [PROPOSED] *James Ware*  
ORDER CONTINUING DATE FOR  
STATUS CONFERENCE AND  
EXCLUDING TIME  
Date: February 1, 2010  
Time: 1:30 p.m.  
Before The Honorable James Ware

18  
19 The parties to this case hereby agree and stipulate as follows:

20 WHEREAS,

21 1. The parties are scheduled for their first appearance before the district court at the  
22 above date and time, and are still in the process of exchanging and reviewing discovery, as well  
23 as discussing whether it might be possible to reach an early resolution of the case;

24 2. Both the defendant and her counsel live in New York, and it is inconvenient to  
25 them to travel to California for a status hearing at which the parties would simply be requesting a  
26 continuance for further status;

27 3. Based on his trial schedule, defense counsel has requested that the matter be put  
28 over to March 1, 2010, in order to accommodate both his schedule and the need for effective

1 defense preparation; and

2       4. The parties therefore agree that the time occasioned by this continuance is  
3       excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(i) and (iv).

4       **IT IS THEREFORE STIPULATED AS FOLLOWS:**

5       The case should be continued for a further status and setting conference, or disposition, to  
6       occur on **Monday, March 1, 2010, at 1:30 p.m.**, before The Honorable James Ware, United  
7       States District Judge. The time between February 1 and the above date should be excluded from  
8       the Speedy Trial clock for the reasons set forth above.

9                   / s /

10          ARNOLD KEITH, ESQ.

11          Counsel for Defendant

12          DATE: January 28, 2010

13          JOSEPH P. RUSSONIELLO

14          United States Attorney

15                   / s /

16          DAVID R. CALLAWAY

17          Counsel for Plaintiff

18          DATE: January 28, 2010

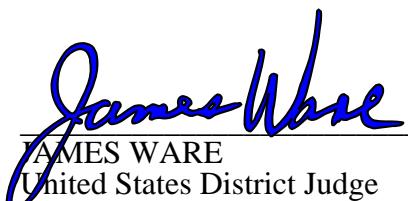
19                   **ORDER**

20       Based upon the foregoing Stipulation and good cause appearing therefor,

21       IT IS HEREBY ORDERED that this matter is continued for further status and setting  
22       conference, or for disposition, to occur on **Monday, March 1, 2010, at 1:30 p.m.**

23       IT IS FURTHER ORDERED that the time between February 1 and March 1, 2010, shall  
24       be excluded from the computation the period within which the trial must commence, for the  
25       reasons and based upon the statutory provisions set forth by the parties in the Stipulation. The  
26       Court finds that the ends of justice outweigh the interests of the public and the parties in a  
27       speedier trial based upon the grounds set forth above.

28       DATED: January 29, 2010



James Ware  
United States District Judge